

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ADAM GONZALES,

Plaintiff(s),

v.

WAL-MART STORES, INC., et al.,

Defendant(s).

Case No. 2:14-cv-00230-JCM-NJK

ORDER

(Docket No. 10)

Pending before the Court is Defendant Wal-Mart Stores' ("Wal-Mart") motion to sever. Docket No. 10. Plaintiff filed a response and Wal-Mart filed a reply. Docket Nos. 17, 19. In short, Plaintiff alleges that he was injured both by slipping at a Wal-Mart and by Defendant Todesco's negligence resulting in an unrelated automobile accident. Plaintiff argues that Wal-Mart and Todesco will be jointly and severally liable for his injuries pursuant to *Kleitv v. Raskin*, 738 P.2d 508 (Nev. 1987). Neither party provides meaningful discussion of case law addressing the joinder of claims arising out of two separate incidents that both contribute to the same injury. It appears that the Ninth Circuit has not ruled on this issue. *See, e.g., Jacques v. Hyatt Corp.*, 2012 WL 3010969, *3 (N.D. Cal. July 23, 2012). Moreover, lower courts have reached conflicting results. *See, e.g., Oda v. United States*, 2012 WL 692409, *1-2 (N.D. Cal. Mar. 2, 2012) (outlining two conflicting lines of authority). The Court hereby ORDERS the parties to submit supplemental briefing addressing this split of authority no later than April 25, 2014.

IT IS SO ORDERED.

Dated: April 18, 2014.


Nancy J. Koppe
United States Magistrate Judge